

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MITCHELL ROSE,

Plaintiff,

- against -

ORDER  
08-CV-2117 (RRM) (ALC)

SHAWN CARTER AND ISLAND DEF JAM,  
Defendants.

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**MAUSKOPF, United States District Judge.**

Plaintiff Mitchell Rose filed a Complaint alleging copyright infringement against Shawn Carter (also known as Jay-Z) and Island Def Jam on May 23, 2008. As recounted in Magistrate Judge Carter's Report and Recommendation (the "R&R"), issued on August 18, 2009, Plaintiff has never served either of the Defendants in this case, despite several opportunities, and notice that failure to do so would result in dismissal of his action. As Judge Carter entered his Order on August 18, Plaintiff needed to file any objections on or before September 4, 2009. See Fed. R. Civ. P. 72(b); see also id. R. 6(d). No such objections have been filed, nor has Plaintiff remedied his failure to serve Defendants or shown good cause for such failure.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, the Court has reviewed the R&R for clear error and, finding none, concurs with the R&R in its entirety. See Covey v. Simonton, 481 F. Supp. 2d 224, 226 (E.D.N.Y. 2007). Accordingly, it is hereby ORDERED that Plaintiff's Complaint is DISMISSED without prejudice for lack of service. The Clerk of Court is ordered to mail a copy of this Order to Plaintiff, and to close this case.

SO ORDERED.

Dated: Brooklyn, New York  
September 9, 2009

s/RRM

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ROSLYNN R. MAUSKOPF  
United States District Judge